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S. HRG. 101-415

NOMINATION OF GORDON H. MANSFIELD

HEARING

BEFORE THE

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

THE NOMINATION OF GORDON H. MANSFIELD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE JUDITH Y. BRACHMAN, RESIGNED

NOVEMBER 20, 1989

Printed for the use of the Committee on Banking, Housing, and Urban Affairs

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NOMINATION OF GORDON H. MANSFIELD TO BE ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY

MONDAY, NOVEMBER 20, 1989

U.S. SENATE,
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC.

The committee met at 11:05 a.m., in room SD–538 of the Dirksen Senate Office Building, Senator Donald Riegle (chairman of the committee) presiding.

Present: Senators Riegle, Dodd, Dixon, Sanford, Shelby, Kerry, Heinz, D'Amato, Bond, Mack, Kassebaum, and Pressler.

OPENING STATEMENT OF CHAIRMAN RIEGLE

The CHAIRMAN. The committee will come to order.

Mr. Mansfield, we welcome you this morning. I would like to indicate here the procedure that we will follow today with your nomination and our sincere hope and desire to, not only conduct your hearing, but also to move on today to the confirmation of your nomination.

As you and others know, we have very limited time left available in this session of the 101st Congress in which to act, and it is my desire to act on your nomination before we conclude, and so I am going to propose the following so that everyone is clear on the record as to how I wish to handle this process today. I set this forth because we have various members at different places right now tending to numerous different matters.

It is my intention to have the committee establish a rolling quorum, which will run through this hearing and into the Securities Subcommittee hearing which is scheduled for 2:00 o'clock this afternoon, and it is my intention and hope that during the course of that period of time we will have established the presence of a quorum of the members of the committee coming and going at different times.

At the conclusion of this morning's hearing, the committee's Clerk will begin recording the votes. If a quorum of members has actually been present and voting by 2:30 p.m., we will report the nomination to the Senate floor hopefully in time for it to be considered by the full Senate before it recesses.

And so I ask now if there are any objections to that procedure and, hearing none, I indicate that that will be the approach that we will use today.

I would like to make an opening statement now with respect to your nomination, and then we will proceed to any opening remarks you wish to make.

But let me again welcome you to the committee, and I want to publicly congratulate you on your nomination to be the next Assistant Secretary for Fair Housing and Equal Opportunity.

Clearly, you have an enormous challenge ahead of you, and it is one that we want to help you with. I and the other members of this committee look forward to working with you to see that that effort is carried forward.

Now, the Code of Federal Regulations states:

> It is the policy of the United States to provide, within Constitutional limitations, for fair housing throughout the United States. No person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or advertising of dwellings and the provision of brokerage services or in the availability of residential real estate-related transactions.

As the Assistant Secretary for Fair Housing and Equal Opportunity at HUD, it will be your duty to ensure compliance with and enforcement of anti-discrimination laws covering housing and employment.

You have had extensive experience with civil rights issues. For almost a decade, you, Mr. Mansfield, have dedicated your energies toward ensuring the rights of disabled persons through the National Office of Paralyzed Veterans of America, a veterans organization that is chartered by the Congress.

Prior to your association with PVA, you worked as a private attorney and as counsel for Marion County Legal Aid in Florida, which has dealt, as I understand it, with a wide variety of civil rights issues.

And I know there may be other statements that other members will want to make in the way of an opening comment, and if so, we will include those as a part of the record.

Senator Cranston intended to be here this morning but has been delayed by an unavoidable conflict, and it now looks like he may not be able to attend. He has asked me to say that he regrets this very much because he has worked closely with Gordon Mansfield on a number of important matters while Gordon was at the Paralyzed Veterans of America and has great respect for his abilities and dedication. Senator Cranston has submitted a prepared statement and would like it noted that he strongly supports this nomination. I also have statements from Senators Dixon and D'Amato and without objection, I will insert in the record.

Let me now, if I may, ask you to raise your right hand and repeat after me, or to respond to this oath.

Do you swear that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANSFIELD. I do so swear.

STATEMENT OF SENATOR ALAN CRANSTON

Senator CRANSTON. Mr. Chairman, it gives me great pleasure to speak today in support of the nomination of Gordon H. Mansfield to be Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development.

As chairman of the Committee on Veterans Affairs, I have had the opportunity to work closely with Gordon during his 8½ years with the Paralyzed Veterans of America—including the last 3 years as Associate Executive Director for Governmental Relations. I have come to know him as a thoughtful and committee guardian and staunch advocate of Veterans' rights. He has brought to his work a poignant understanding of the sacrifices made by our Nation's paralyzed Veterans—an understanding gained on the battlefields of Vietnam.

As the Department of Housing and Urban Development struggles to reassert itself after 8 years of lethargy, I am very pleased to see a nominee as qualified as Gordon Mansfield come before this committee. I believe his background has prepared him for the important tasks that await the incoming Assistant Secretary for Housing and Equal Opportunity. Prior to becoming P.V.A.'s Associate Executive Director in May 1986, Gordon served as Associate Legislative Director and later as National Advocacy Director. He has been responsible for overseeing all activities of P.V.A.'s National Legislative Program, National Advocacy Program, and the Architecture and Barrier Free Design Program. In all of these activities, Gordon was a leader in the disabled community by actively and effectively promoting the enactment of landmark disability rights legislation. He led P.V.A.'s efforts in support of such significant legislative efforts as The 1986 Air Carriers Access Act, The 1988 Civil Rights Restoration Act and Fair Housing Act, and this year's Americans with Disabilities Act.

Upon graduation from Villanova University in 1964, Gordon entered the United States Army. After enlistment, he completed Officer Candidate School, ranger training, and airborne training. It was during his second tour of duty in Vietnam that then-Captain Mansfield was wounded in action and subsequently medically retired with a spinal cord injury. Among other decorations, he was awarded the combat Infantryman's Badge, the Distinguished Service Cross, Bronze Star, two Purple Hearts, and the Presidential Unit Citation. Gordon is a graduate of the University of Miami law school and a member of the Florida bar.

In addition to his responsibilities at P.V.A., Gordon has been active in other veterans and disability organizations.

Gordon's nomination is of particular importance in light of last year's Fair Housing Amendments Act, which, among other things, greatly strengthened HUD's enforcement procedures and enlarged the scope of its fair housing mandate. As assistant secretary for Fair Housing and Equal Opportunity, Gordon would be responsible for:

Investigating, conciliating, and prosecuting housing discrimination complaints under title VIII of the Civil Rights Act of 1968; conducting compliance reviews of recipients of HUD funds; enforcing accessibility for handicapped persons in federally-assisted and federally conducted programs; conducting fair housing education and outreach programs and providing funds to States and communities to conduct such programs; and ensuring affirmative action and equal opportunity within the department.

I believe Gordon Mansfield would fulfill these responsibilities with the same skill and dedication he brought to his work at

P.V.A. The integrity and leadership he would bring to the Department of Housing and Urban Development would be of benefit to us all.

I strongly support his nomination, and I thank you, Mr. Chairman, for the opportunity to speak on his behalf.

STATEMENT OF SENATOR ALAN DIXON

Senator DIXON. Mr. Chairman, I am pleased to be here this morning as the Senate Banking Committee conducts a hearing on the nomination of Gordon Mansfield to be an assistant secretary of Housing and Urban Development for Fair Housing Enforcement.

As Chairman Reigle knows of my concern about discrimination in home mortgage lending and in housing generally, I wish to thank him for scheduling consideration of Mr. Mansfield's nomination before the Senate goes out of session.

I am inclined to support this nomination. I would like to note that when I chaired the Subcommittee on Consumer and Regulatory Affairs' hearing on mortgage discrimination Mr. Mansfield sat through the entire hearing. When all the other regulatory agencies left upon completion of the first panel of witnesses, Mr. Mansfield stayed to listen to the important testimony of the consumer and civil rights representatives on the second panel. I hope that his presence during that hearing is an indication of his energetic commitment to fair housing enforcement.

I also hope that Mr. Mansfield, if confirmed, will forcefully address the problem of discrimination in mortgage lending, as well as the traditional concerns of discrimination in housing rentals and sales.

STATEMENT OF SENATOR ALFONSE D'AMATO

Senator D'AMATO. Mr. Chairman, I am pleased to support the nomination of Gordon H. Mansfield, of Virginia, to be an Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development. Fair housing is a high priority of the current and the past administrations. I believe that every American deserves fair and equal opportunities to housing without the fear of discrimination. Mr. Mansfield's extensive background in antidiscrimination strongly supports the Department's goals in this area.

Mr. Mansfield's extensive experience is almost exclusively in the area of civil rights. In includes almost 10 years service to the Paralyzed Veterans of America in the roles of Associate Legislative Director, National Advocacy Director and Associate Executive Director of Government Relations. He has served as a Special Advisor to the Secretary for Fair Housing and Equal Opportunity since July. Prior to serving the Paralyzed Veterans of America, Mr. Mansfield practiced law in Ocala, Florida.

Mr. Mansfield received a B.S. from Villanova University, attended the Washington College of Law-American University and received his J.D. from the University of Miami Law School.

Mr. Mansfield is a veteran who brings over a decade of experience in civil rights to the Department. His commitment to the department in the area of civil rights will prove valuable in ensuring

compliance and enforcement of antidiscrimination laws covering housing and employment.

I look forward to working closely with Mr. Mansfield in protecting all Americans from discrimination in housing across this country.

Thank you, Mr. Chairman.

The CHAIRMAN. And do you agree to appear and testify before any duly constituted committee of the Senate?

Mr. MANSFIELD. I do.

The CHAIRMAN. Thank you.

With that, let me again welcome you today before the committee. I know this is an important moment for you and your family and others close to you, accordingly is there anybody here that you would like to introduce to the committee?

Mr. MANSFIELD. I think the most important person in the room from my perspective, sir, is my wife, Linda Mansfield, who is with me.

The CHAIRMAN. Pleased to have you.

Mr. MANSFIELD. And I think it is also important that I introduce two Deputy Assistant Secretaries, Lee Guarraia for Enforcement and Compliance and Johnne Booker for Operations and Management, and Phil Savage, who is my executive assistant.

The CHAIRMAN. Phil, nice to see you.

Mr. MANSFIELD. I am also accompanied by Tony Mitchell from our Office of Congressional Relations.

The CHAIRMAN. It looks like a pretty good team to me.

Mr. MANSFIELD. Yes, sir. I think it is the best one—yes, I know it is the best one in HUD, and I think it is the best one in government.

Mr. Chairman, I am prepared to go ahead with an opening statement.

The CHAIRMAN. Please do.

TESTIMONY OF GORDON H. MANSFIELD, TO BE THE ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. MANSFIELD. I have one copy, and I believe the reporter has one copy for the record.

The CHAIRMAN. We will make it a part of the record, but we would be pleased to hear your comments.

Mr. MANSFIELD. First of all, Chairman Riegle and members of the committee, it is an honor for me to appear before you today as President Bush's nominee to serve as Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development.

I am especially grateful and am very much aware of the time constraints that you are talking about, Mr. Chairman, and I do sincerely appreciate the effort you have made.

I am also grateful that the President has seen fit to nominate me to this position of trust and responsibility, and I deeply appreciate this opportunity for public service.

I am also most grateful for the confidence expressed in me by your former colleague, HUD Secretary Jack Kemp, who has made

enforcement of fair housing laws one of his main priorities of the Department. Secretary Kemp believes, as I do, that we have a unique opportunity with the passage of the Fair Housing Amendments Act of 1988 to significantly affect fair housing for all persons in the nation.

As Assistant Secretary, it would be my responsibility to manage the HUD Fair Housing and Equal Opportunity headquarters, regional, and field offices throughout the country to ensure compliance with and enforcement of anti-discrimination laws covering housing and, for HUD employees only, employment.

One major part of this compliance effort is working with other HUD programs to ensure that those programs that are conducted by HUD or assisted by HUD are meeting the requirements of anti-discrimination laws. This effort will involve working cooperatively with other Assistant Secretaries, and I can report to you that in addition to the support of Secretary Kemp, I know that I can count on the other Assistant Secretaries of the Department to ensure that compliance will be required in all programs.

In the area of the Fair Housing Amendments Act of 1988 enforcement, I will make some observations. I believe that it will take 3 years to have the title VIII enforcement system completely implemented. The first year, fiscal year 1989, was spent in writing regulations, designing system standards for investigations, case processing and reporting, hiring additional staff, and training.

During fiscal year, 1990, I expect to further refine the system standards, improve investigations and report writing for both quality and timeliness, institute a new computer case processing and management system, hire additional personnel, and do more training.

Also, we will be receiving administrative orders or court decisions as cases are heard, and we will use these to develop further guidance memoranda and improve training.

In the third year, fiscal year 1991, we should be able to fine-tune the overall system of title VIII enforcement and put in place the last required guidance memoranda and training requirements, when those parts of the law dealing with accessibility for people with disabilities become effective.

At that point, the only segments not met may be the certification of state and local agencies as "substantially equivalent" under the law, since the time frame is 40 months from enactment with provisions for extension.

I would also like to give a brief summary of the current status of title VIII investigations. As of Friday, November 17, 1989, there were 7,126 complaints filed. Of these, 3,724 were received by HUD. 2,031 of these cases were either closed administratively or conciliated. 795 cases have been referred to headquarters, and all but 245 of this number have been reviewed. 127 cases have been referred to the Office of General Counsel, and of those cases reviewed, 378 have had to be returned to the field for further investigation or technical corrections. I expect that all cases referred to Headquarters will have been reviewed by December 31, 1989.

The problems that we have encountered I believe can be summarized as coming under the following headings:

No. 1, we have been imposing new requirements on an old system. Previously, FHEO was responsible for accepting complaints and attempting conciliation with the parties. The new requirements of the Fair Housing Amendments Act of 1988 are much more extensive in requiring a full investigation and written report to be forwarded to Headquarters for review and then transferred to HUD's Office of General Counsel for a determination. This process has required retraining of old personnel, designing and implementing new systems, and adding new people.

No. 2, we have been using a "learn as we go" operational requirement in addressing many of the technical or policy questions which have developed in interpreting the statute and regulations while we are actively involved in the investigations themselves.

No. 3, we have been developing and providing technical guidance and training to both old and new staff and managers in a short time period.

I have taken a number of steps to ensure that investigations of complaints are completed in a timely manner with quality final investigative reports submitted. In a meeting with all FHEO Regional Office Directors, it was decided that title VIII complaint investigations would be the highest priority for fiscal year 1990. All cases in headquarters will be reviewed by December 15, 1989, and those requiring further work will be remanded to the field with specific instructions for corrective action to be completed by a definite date. Senior investigators from headquarters are scheduled to visit each region and use the reviewed cases as a training vehicle for investigators and supervisors.

Training sessions for all Regional Compliance Directors have been scheduled for December and January. Additional training sessions are to be scheduled for those regional offices with the highest caseloads and are to be conducted by senior investigators from headquarters.

Also, we are in the process of designing and implementing a case processing and management computer system which will improve the efficiency and reporting. To reinforce the priority he has placed on this area, Secretary Kemp recently had a conference call with all Regional Administrators, Regional FHEO Directors, and Regional Counsels to ensure that they are providing management emphasis and resources to title VIII complaint investigations. Throughout this process, we have worked closely with HUD's Office of General Counsel and the Department of Justice.

As mentioned above, I believe that we have the situation under control and that our quality and timeliness will continue to improve. Secretary Kemp has made this a priority and has provided additional resources to meet the requirements of the law.

Mr. Chairman, there are other areas which are also important to meeting the goal of ensuring fair housing for all Americans. We are focusing on timely distribution of the monies allocated for distribution through the Office of Fair Housing and Equal Opportunity. I believe that a viable education and outreach program is important in ensuring that all people are aware of their rights and responsibilities under the laws that apply to fair housing. Also, I am committed to working with the state and local agencies who have local responsibilities for fair housing enforcement as well as

fair housing organizations which have done so much to further efforts in this area. I will also work with other constituency groups who have concerns in fair housing and equal opportunity in order to achieve our mutual goals.

Mr. Chairman, this concludes my testimony, and I will answer those questions that I can.

[The complete prepared statement of Gordon Mansfield follows:]

STATEMENT OF GORDON H. MANSFIELD

Chairman Riegle, Senator Garn, and members of the Committee, it is an honor for me to appear before you today as President Bush's nominee to serve as Assistant Secretary for Fair Housing and Equal Opportunity at the Department of Housing and Urban Development.

I am grateful that the President has seen fit to nominate me to this position of trust and responsibility, and I deeply appreciate this opportunity for public service.

I am also most grateful for the confidence expressed in me by your former colleague, HUD Secretary Jack Kemp, who has made enforcement of fair housing laws one of his main priorities for the Department. Secretary Kemp believes, as I do, that we have a unique opportunity with the passage of the Fair Housing Amendments Act of 1988 to significantly affect fair housing for all persons in the nation.

As Assistant Secretary, it would be my responsibility to manage the HUD Fair Housing and Equal Opportunity Headquarters, Regional and Field Offices throughout the country to ensure compliance with, and enforcement of, antidiscrimination laws covering housing and, for HUD employees only, employment. Some of these laws are the Fair Housing Amendments Act of 1988, Title VI of the Civil

Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964 and various Executive Orders.

One major part of this compliance effort is working with other HUD programs to ensure that those programs that are conducted by HUD, or are assisted by HUD, are meeting the requirements of antidiscrimination laws. This effort will involve working cooperatively with other Assistant Secretaries of HUD, and I can report to you that, in addition to the support of Secretary Kemp, I know that I can count on our other Assistant Secretaries of the Department to ensure that compliance will be required in all programs.

In the area of Fair Housing Amendments Act of 1988 enforcement, I will make some observations. I believe it will take three years to have the Title VIII enforcement system completely implemented. The first year, FY'89, was spent in writing regulations, designing system standards for investigations, case processing and reporting, hiring additional staff, and training. During FY'90, I expect to further refine the systems standards, improve investigations and report writing for both quality and timeliness,

institute a new computer case processing and management system, hire additional personnel and do more training. Also, we will be receiving administrative orders or court decisions as cases are heard, and we will use these to develop further guidance memoranda and improve training. In the third year, FY'91, we should be able to fine tune the overall system of Title VIII enforcement and put in place the last required guidance memoranda and training requirements, when those parts of the law dealing with accessibility for people with disabilities become effective. At that point, the only segments not met may be the certification of State and local agencies as "substantially equivalent" under the law, since the timeframe is 40 months from enactment with provisions for extensions.

Let me give a brief summary of the current status of Title VIII investigations. As of Friday, November 17, 1989, there were 7,126 complaints filed. Of these, 3,724 were received by HUD. 2,031 of these cases were either closed administratively or conciliated. 795 cases have been referred to Headquarters, and all but 245 of this number have been reviewed. 127 cases have been referred to the Office of General Counsel. Of those cases reviewed, 378

have had to be returned to the Field for further investigation or technical corrections. I expect that all cases referred to Headquarters will have been reviewed by December 31, 1989.

The problems I believe can be summarized as follows:

First, we have been imposing new requirements on an old system. Previously, FHEO was responsible for accepting complaints and attempting a conciliation with the parties. The new requirements of the Fair Housing Amendments Act of 1988 are much more extensive in requiring a full investigation and written report to be forwarded to Headquarters for review and then transferred to HUD's Office of General Counsel for a determination. This process has required retraining of old personnel, designing and implementing new systems, and adding new people.

Second, we have been using a "learn as we go" operational requirement in addressing many of the technical or policy questions which have developed in interpreting the statute and regulations while we are actively involved in investigations.

Third, we have been developing and providing technical guidance and training to both old and new staff and managers in a short time period.

I have taken a number of steps to ensure that investigations of complaints are completed in a timely manner with quality final investigative reports submitted. In a meeting with all FHEO Regional Office Directors, it was decided that Title VIII complaint investigations would be the highest priority for FY'90. All cases in Headquarters will be reviewed by December 15, 1989, and those requiring further work will be remanded to the field with specific instructions for corrective action to be completed by a definite date. Senior investigators from Headquarters are scheduled to visit each Region and use reviewed cases as a training vehicle for investigators and supervisors.

Training sessions for all Regional Compliance Directors have been scheduled for December and January. Additional training sessions are to be scheduled for those Regional Offices with the highest caseloads and are to be conducted by senior investigators from Headquarters. Also, we are in the process of designing and implementing a case processing and management computer system which will improve efficiency and reporting. To reinforce the priority he has placed on this area, Secretary Kemp recently had a conference call with all Regional Administrators, Regional

FHEO Directors and Regional Counsels to ensure they are providing management emphasis and resources to Title VIII complaint investigations. Throughout this process, we have worked closely with HUD's Office of General Counsel and the Department of Justice.

As mentioned above, I believe that we have the situation under control and that our quality and timeliness will continue to improve. Secretary Kemp has made this area a priority and has provided additional resources to meet the requirements of the law.

Mr. Chairman, there are other areas which are also important to the goal of ensuring fair housing for all Americans. We are focusing on timely distribution of the monies allocated for distribution through the Office of Fair Housing and Equal Opportunity. I believe that a viable education and outreach program is important in ensuring that all people are aware of their rights and responsibilities under the laws that apply to fair housing. Also, I am committed to working with the State and local agencies who have local responsibilities for fair housing enforcement as

well as fair housing organizations which have done so much to further efforts in this area. I will also work with other constituency groups who have concerns in fair housing and equal opportunity in order to achieve our mutual goals.

Mr. Chairman, this concludes my testimony. I will answer those questions that I can.

The CHAIRMAN. Mr. Mansfield, let me say I appreciate the thoroughness and the completeness of that statement and the focus that it represents. Those are encouraging things that you have said, and I am very pleased that by the end of this calendar year, which isn't very far ahead of us, you will have been able to oversee a review of all pending complaints before the Department, as I understand it.

Did I hear that correctly?

Mr. MANSFIELD. Yes, sir. All those sent to headquarters.

The CHAIRMAN. And I think that is a very constructive sign, and let me ask you, if I may, to give us some broader sense for the record of your personal background.

Mr. MANSFIELD. Well, I can start with graduation from college, I guess, which was Villanova University, outside of Philadelphia. From there I went into the U.S. Army as a Private E–1 and went through basic training, advanced infantry training, Officer Candidate School, ranger training, and airborne training, and 10 days after that put a platoon of infantry on a plane for Vietnam. I served a tour of duty over there with the 1st Cavalry Division. I came back home and served about 14 months in-country with the 101st Airborne Division as a platoon leader and a staff officer. Then I went back to Vietnam for a second tour as a rifle company commander with the 101st Airborne and got caught during the Tet offensive in February of 1968. I was wounded in action, returned to the States and went through hospitalization. Following rehabilitation I went to law school, graduated and went to work for Marion County Legal Aid in poverty law areas.

I have had a couple of other operations in between, and after the last one I moved to Washington, D.C. and went to work for Paralyzed Veterans of America. I started as an Associate Legislative Director, working mostly in the veterans area. Then I was promoted to the National Advocacy Director and, in that area, dealt with disability rights and also accessibility or overcoming architectural barriers. Then I was promoted to Associate Executive Director, overseeing all the government relations functions for PVA. I spent approximately 8½ years with PVA, working up here on the Hill, primarily with the Veterans Affairs Committees but also with those committees dealing with disability rights. I also worked with the Executive agencies and was responsible for PVA's legal agenda, including being involved in a case that went to the Supreme Court. That case involved air travel for handicapped persons. I have to say we lost 6 to 3, but came back here and had the Congress overturn that ruling with a piece of legislation in 97 days.

I have also worked on the Fair Housing Amendments back when they were the Fair Housing Amendments of 1982 all the way through 1988. And I also worked on the Civil Rights Restoration Act, Voting Rights for Elderly and Handicapped Act, and the Air Access Act, and I have been involved, and continue to be involved, with the Americans with Disabilities Act.

The CHAIRMAN. I appreciate your going through that record of public service in a variety of different capacities because I think you are one of the most outstanding nominees that we have had come before us, and we have had a lot of good ones over the years, during different administrations at various times. But I, particular-

ly as a citizen and as a Senator, appreciate what you have done in your lifetime, the service you have given, the concerns you have shown about others, and the leadership in a variety of different capacities, and so I think it is very fitting that you have been asked to undertake this assignment, and I am very pleased and proud that you have been, and I am as confident as one could be that you are going to do just a "bang-up" job in this assignment. We don't always feel that way when we see nominees. Fortunately, I feel that way seeing you here today, and that gives me a good feeling for my country.

Let me also say that there is a lot of work to be done in this area. I still think that in the countryside there is a lack of appreciation of the difficulties that some face in trying to get just a fair shake, and it can be based on lots of different things. It can be based on race or sex or family circumstance or a disability of some sort. I think we need effective and forceful leadership, and we need advocacy in this area appeal to our best instincts and our highest motives in terms of figuring out how we take and create an atmosphere in the country of inclusiveness of everyone. Also, to make sure there is a pattern of law and administrative activity that assures that if anybody loses sight of the moral imperative that we have a way to effectively deal with that, in order to assure that people are not discriminated against on any basis. Such an effort takes someone who will be vigilant and willing and able to put together a good, solid team to keep the effort moving. I am confident that you can do that.

I might say that with respect to your war record we have serving in the Senate today two colleagues, one in each party, who were wounded in action and carry the effects of those wounds with them today, and it turns out they are two of the most outstanding members that we have in the United States Senate. I speak of Senator Dole, of course, who was the leader of the party on one side, and very nearly a Presidential nominee within the last election cycle, and Senator Inouye on the other side, both truly extraordinary contributing and leading members of the Senate.

Indeed Mr. Mansfield, you never know where you might wind up. We may have you here someday as a colleague. I think you would fit.

Mr. MANSFIELD. I think right now I will be happy if we can get the committee vote and a floor vote on Assistant Secretary for Fair Housing, Mr. Chairman, but thank you very much.

The CHAIRMAN. Well, we will start there, but I am sure there will be other opportunities.

But I think what it demonstrates is the fact that the opportunities for public service come in a variety of different forms, and we are seeing people like yourself who have come back from some very hard and difficult moments and some setbacks to move on not just in their own behalf but in behalf of others, which to me is the most powerful aspect of public service.

It is very interesting in the case of both Senators Dole and Inouye—and my predecessor, Philip Hart, who was also badly wounded in the D-Day Normandy invasion—that all three recovered in the Military Hospital in Battle Creek, Michigan and came to know each other at that time and then all ended up as col-

leagues here in the U.S. Senate, which is sort of an interesting historical occurrence.

I think you have outlined quite well the leadership steps that you plan to take at the outset, and because your statement was as detailed as it was, I am not going to go back over a number of the things that I otherwise would have asked.

I am wondering if you think that the financial resources and the staff support that are necessary at the State, local and Federal level are really in place to enforce the Fair Housing Amendments.

Mr. MANSFIELD. I think that is a two-part question, sir. Number one is are they in place now, and then we have the area of substantial equivalency and the requirements to be met.

As far as I can see from the reports and judging from HUD's performance, I think the State and local agencies are doing an equivalent job at this point in time. But I think the key to this whole area is ensuring that we get as many State and local agencies certified as substantially equivalent in the shortest time period. We have a defined time period, but that area is one of concern to me. It is one that I am working on. I have met with the leadership of the organizations for State and local agencies, dealt with them, and I intend to make that a priority and work with them as much as I can.

Obviously, there is more to do out there than the present staffing and resources at HUD permit.

The CHAIRMAN. Do you agree with the uniform position taken by the Federal Appellets Courts that proof of discriminatory intent is not required to make out a violation of the Fair Housing Act?

Mr. MANSFIELD. I think what we have to deal with here, sir, is this. In certain areas it would apply; in certain areas it wouldn't. If you have a specific complaint, for example, under title VIII, you may have the intent question answered in the investigation but you can still proceed to a finding of cause based on disparite treatment.

In one of the other areas I deal with; for example, under title VI, we use discriminatory effects as part of the proof HUD considers in finding discrimination exists.

So I think that it is an area where intent may or may not be shown but we can still find discrimination has occurred.

The CHAIRMAN. Will it be your intention to enforce the discriminatory effect standard as you try to carry out your duties at HUD?

Mr. MANSFIELD. Yes, sir, it would.

The CHAIRMAN. I am going to give you some other questions to answer for the record, and there may be some questions that other colleagues will want to give you as well, but I am not going to plough back through the things that you addressed in your own statement.

So I think we are prepared to conclude your hearing at this point.

Let me indicate that my intention will be to report your nomination favorably, and I am so moving at this time, and as members appear for the rolling quorum that I have described earlier both to provide a second to that motion and to record themselves on behalf of your nomination, it is my hope that by 2:30 this afternoon, when we reach the period of time when we are into the Securities Sub-

committee activity, that we will have established a quorum and we will have so acted affirmatively to send your nomination out of committee. We will work to get that done.

So with that, I am going to recess the committee at this point, subject to the appearance of members for that purpose.

The committee stands in recess.

Mr. MANSFIELD. Thank you, Mr. Chairman.

[Whereupon, at 11:30 a.m., the committee was adjourned.]

[Biographical sketch of nominee follows:]

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Mansfield (LAST) Gordon (FIRST) Mall (MIDDLE)

Position to which nominated: Assistant Secretary for Fair Housing and Equal Opportunity, U.S. Dept. of Housing and Urban Development **Date of nomination:** Oct. 2, 1989

Date of birth: 15 (DAY) 9 (MONTH) 41 (YEAR) **Place of birth:** Pittsfield, Massachusetts

Marital status: married **Full name of spouse:** Linda K. C. Mansfield

Name and ages of children:

Gordon P	18
Leon P	16

Education:

Institution	Dates attended	Degrees received	Dates of degrees
University of Miami Law School	1971-1973	J.D.	June 1973
Washington College of Law American University	1969-1971	--	
Villanova University	1959-1964	B.S.	June 1964
The Peddie School	1957-1959	Diploma	June 1959

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Distinguished Service Cross	Gallantry Cross with Silver Star
Bronze Star	Combat Infantrymans Badge
Purple Heart w/olc	Presidential Award
Vietnam Campaign Medal	Outstanding Vietnam Veteran
National Defense Service Medal	
Vietnam Service Medal	

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
The Florida Bar		1975-1989
American Bar Association		1982-1989
Federal Bar Association		1983-1989
American Coalition of Citizens with Disability	Board of Directors	1983-1987
Paralyzed Veterans of America		Life member
Disabled American Veterans		Life member
Legion of Valor		Life member

(see attached sheet)

Employment record: List below all positions held since college, including the title or description of job, name of employment, location of work, and dates of inclusive employment.

7/89 - Present	Special Adviser to the Secretary for Fair Housing and Equal Opportunity, U. S. Department of Housing and Urban Development
6/86 - 7/89	Associate Executive Director/Government Relations Paralyzed Veterans of America Washington, D. C.
10/82 - 6/86	National Advocacy Director, Paralyzed Veterans of America Washington, D. C.
1/81 - 10/82	Associate Legislative Director, Paralyzed Veterans of America Washington, D. C.
3/79 - 1/81	Attorney, Private Practice, Ocala, Florida
9/76 - 3/79	Staff Attorney, Marion County Legal Aid Ocala, Florida
6/64 - 9/68	United States Army, entered as Private E-1 and medically retired as Captain O-3; Duty assignments at Ft. Gordon, Ga, Ft. Benning, Ga., Ft. Campbell, Ky. and two tours in Vietnam

Government experience: List any experience in or direct association with Federal, State, or local governments, including any advisory, consultative, honorary or other part-time service or positions.

Executive Committee - Presidents Committee on Employment PWD

Advisor - National Council on Disability

Member - Secretary of Labor's Committee on Veterans Employment and Architectural and Transportation Barriers Compliance Board

Published writings: List the titles, publishers and dates of books, articles, reports or other published materials you have written.

Monthly Column in Paraplegia News, the national publication of Paralyzed Veterans of America, from 1983 to 1989

Political affiliations and activities: List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Bush/Quayle Campaign - Coalition on Disability - National Advisor

Inaugural '89 - Disability Event - Chairperson

Inaugural '85 - Disability Event - Member organizing committee

Political contributions: Itemize all political contributions of $500 or more to any individual, campaign organization, political party, political action committee or similar entity during the last eight years and identify the specific amounts, dates, and names of the recipients.

None

Qualifications: State fully your qualifications to serve in the position to which you have been named. (attach sheet)

See attached

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Resigned

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

None

3. Has anybody made you a commitment to a job after you leave government?

No

4. Do you expect to serve the full term for which you have been appointed?

Yes

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated.

None

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or affecting the administration and execution of national law or public policy.

1981 to 1989 Veteran and Disability legislatio for Paralyzed Veterans of America

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

None

Civil, criminal and investigatory actions:

1. Give the full details of any civil or criminal proceeding in which you were a defendant or any inquiry or investigation by a Federal, State, or local agency in which you were the subject of the inquiry or investigation.

Divorce, 1986 Circuit Court, Prince George's County,MD

DUI, General District Court, Arlington,VA, $150 Fine, 6 mos license suspension, suspended upon completion of Alcohol Safety Action Program 1985

Article 15,UCMJ, 1968,Conduct Unbecoming an Officer, Bringing NCO's into an Officer's Club

2. Give the full details of any proceeding, inquiry or investigation by any professional association including any bar association in which you were the subject of the proceeding, inquiry or investigation.

None

ATTACHMENT: MEMBERSHIPS (pg. 2)

Association of the U.S. Army		Life member
The Army Navy Club of Washington, D. C.		1987 - 1989
Veterans of Foreign Wars		1976 - 1980
Combined National Veterans Association of America	President	1983 - 1988
National Lawyers Club		1983 - 1989
Rehabilitation International, USA	Vice President	1983 - 1987
The Retired Officers Association		1972 - 1980
Mid Florida Arabian Breeder's Association	President	1976 - 1980
Ocala Arabian Breeder's Assoc.	Treasurer	1979 - 1981

ATTACHMENT - Qualifications

I believe that I am qualified for the position of Assistant Secretary for Fair Housing and Equal Opportunity based on my education, training and experience. The position requires the ability to manage the Housing and Urban Development Fair Housing and Equal Opportunity Headquarters, Regional and Field Offices throughout the country to ensure compliance with, and enforcement of, antidiscrimination laws covering housing and employment, such as, the Fair Housing Act of 1988, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964 and various Executive Orders.

Since 1976, my experience has extensively focussed on the area of civil rights. Most recently, I was employed by the National Office of the Paralyzed Veterans of America (PVA) in Washington, DC; a veterans service organization chartered by Congress. As Associate Executive Director for Government Relations from 1986 to 1989, I was the senior management executive responsible for policy development, budget, planning and program management for three major programs; National Legislation, National Advocacy, and Architecture and Barrier Free Design. These three program areas significantly dealt with housing, income maintenance, education, training, employment and equal rights for people with disabilities.

Further, I directed all congressional liaison with U.S. Senators and Representatives and their staffs on major legislation, such as the Voting Rights for the Elderly and Handicapped Act, the Air Access Act, the Civil Rights Restoration Act, the Americans with Disabilities Act, and the Fair Housing Amendments Act of 1988, the latter of which is the responsibility of the Assistant Secretary for Fair Housing and Equal Opportunity.

My direct involvement on these legislative initiatives gives me the background and the perspective to enforce antidiscrimination laws in housing and employment on a national level. Working with the Congress, representatives of disability and civil rights groups, as well as private individuals has strengthened my effectiveness with the coalitions dedicated to the concepts of fair housing and equal opportunity.

I also have had experience working with other government agencies such as, the Architectural and Transportation Barriers Compliance Board, the National Council on People with Disabilities, the Department of Education, the Rehabilitation Services Administration, the Equal Employment Opportunity Commission, the Department of Veterans Affairs and the Civil Rights Division of the Department of Justice. As a result of my involvement with these agencies, I have developed an indepth knowledge about

executive agency missions, attitudes, negotiations, management functions and remedial actions.

Also, my legal background directly relates to the interpretation and enforcement of antidiscrimination laws and regulations, as would be required of the Assistant Secretary for Fair Housing and Equal Opportunity. As a Staff Attorney with a local county legal aid office in Florida, I handled client interviews, case development, hearings and trial work in the area of poverty law. I also dealt with housing, medical and income benefits, debt collection, and family law matters. My other legal experience includes having served as the supervisory attorney to the National Executive Committee of PVA. My assignments involved recommending whether PVA should participate in lawsuits or administrative cases concerning transportation, voting rights, employment discrimination and architectural accessibility on behalf of veterans and disabled people. Of particular note was my initiation and involvement in the PVA v DOT case which was decided by the United States Supreme Court and the Rose v USPS case which resulted in major changes in the accessibility of postal facilities for people with disabilities.

To further the civil rights objectives for disabled people and veterans, I participated in numerous outreach and educational activities through my membership in various local, state, national and international organizations. I served as a member or as an elected officer of the American Coalition of Citizens with Disabilities, Disabled But Able to Vote, Rehabilitation International and the Combined National Veterans Association of America. These organizational experiences exposed me to various issues, challenged me to reach agreement through differing positions and policies and gave me a broad understanding of how outreach and educational activities can effectively achieve the desired goal. From my experiences in these leadership roles, I am capable of developing the necessary outreach and educational programs to promote the enforcement of antidiscrimination laws -- a capability required in carrying out the duties and functions of the Office of the Assistant Secretary for Fair Housing and Equal Opportunity.

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